IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1147 OF 2005
IN
APPEAL FROM ORDER(ST.) NO.23177 OF 2005

Mr.Imtiaz Qureshi. ..Applicant.

V/s.

Jainabi Ahmed Chotu Shaikh & Ors...Respondents.

Mr. N. M.Vaishnava i/b.Bharat Vaishnava & Co. for applicant.

Mr.H.J.Lulia for D.J.Lulia for Respondent.

CORAM: A.M.KHANWILKAR,J

DATE : JANUARY 9, 2006.

P.C. :

1. Heard counsel for the parties.

2. I find substance in the argument of the respondent that no supporting material has been placed on record to justify the reasons for delay. In other words, delay is not sufficiently explained. However, in the interest of justice, as the delay is only of 43 days, this application is allowed on condition that the applicant to pay costs to the High Court Legal Services Committee quantified at Rs.3,000/- within two weeks from today. In other words, if the amount of costs is not paid within the specified time and proof of deposit is not produced

before the registry, the registry to treat this application as dismissed for non-prosecution.

3. Ordered accordingly.